

House resolution requiring the House to apply the requirements of the federal Americans with Disabilities Act in regulating its procedure

Offered by: **[TBD]**

Whereas, the federal Americans with Disabilities Act prohibits a qualified individual with a disability from being excluded from participation in or being denied the benefits of the services, programs, or activities of a public entity, including a state or local government, and requires a public entity to provide reasonable accommodations when necessary to avoid discrimination on the basis of a disability, unless the public entity can demonstrate that the accommodations would fundamentally alter the nature of its service, program, or activity, and

Whereas, in regulating its own procedure, the House of Representatives operates under common law legislative immunity, which is recognized in U.S. Supreme Court caselaw as generally protecting legislators and legislative bodies acting within their traditional sphere from being subject to civil suits in order to allow the discharge of legislative duties for the public good, and

Whereas, the House of Representatives recognizes that while it may enjoy legislative immunity in regulating its own procedure, it also recognizes the importance of applying the requirements of the Americans with Disabilities Act to its procedure and the necessity to do so on behalf of all of its members who represent Vermont, now therefore be it

Resolved by the House of Representatives:

That this legislative body adds Rule 90b of the Rules and Orders of the House of Representatives as follows:

90b. The House of Representatives shall apply the requirements of the federal Americans with Disabilities Act in regulating its procedure.

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